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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,409	04/21/2002	Sharon Flank	EMTN.P-001-1	9899

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EXAMINER	
COBY, FRANTZ	

ART UNIT	PAPER NUMBER
2171	7

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/063,409	FLANK, SHARON	
	Examiner	Art Unit	
	Frantz Coby	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 22-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 22-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

This is in response to application filed on April 21, 2002 in which claims 1-29 are presented for examination.

Information Disclosure Statement

The information disclosure statement filed May 06, 2002 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file and the information referred to therein has been considered as to the merits.

Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-2, 22-26, drawn to use with metadata streams with respect to a video stream.

Group II, claim(s) 3, 4, 27, 28 and 29, drawn to thumbnail images in storing and managing digital media files.

Group III claim 5, drawn to vocabulary file of words keyed to the digital media records.

Group IV, claim 6, drawn to right management.

Group V, claim(s) 7-8, 11-15 and18-21, drawn to search engine searching digital media records.

Group VI, claim(s) 9, 10, 16 and 17, drawn to a statistical clustering algorithm in searching media records.

The inventions are distinct, each from the other because of the following reasons:

Inventions Groups I, II, III, IV, V and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II or III or IV or V or VI, restriction for examination purposes as indicated is proper.

Specification

The abstract of the disclosure is objected to because it contains language that implies "the invention concerns". Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Election

As anticipated by the Applicant in the correspondence of May 06, 2002 (paper # 2), the Applicant elected Group I (Claims 1-2 and 22-26) to be examined. Therefore, claims 1-2 and 22-26 will be examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert et al. U.S. Patent no. 5,903,892 in view of Orr U.S. Patent no. 6,430,357.

As per claim 1, Hoffert et al. disclose "a method for use with first and second metadata streams with respect to a video stream" by providing a method, which allows searching of media files on a distributed network (See Hoffert et al. Col. 3,lines 1-39). In particular, Hoffert et al. disclose the claimed features of "searching for proper names within the second metadata stream; finding faces within the video stream; matching faces with proper names; and placing the matched faces and proper names into a reference library" (See Hoffert et al. Col. 4, lines 1-31 and lines 56-58; Col. 5, lines 24-52; Col. 6,lines 22-46; Col. 7, lines 26-51; Col. 17, lines 7-18; Col. 18, lines 48-58; Col. 23, lines 46-67; Col. 24, lines 1-27; Col. 25, lines 14-37).

It is noted, however, Hoffert et al. did not specifically detail the aspect of "the first metadata stream time-coded with respect to the video stream and the second metadata stream not time-coded with respect to the video stream, the method comprising the steps of: aligning the second metadata stream with the first metadata stream; adding time codes to the second metadata stream, based on the alignment" as recited in the instant claim 1. On the other hand, Orr achieved the aforementioned claimed features by providing a system for text data extraction for interleaved video data stream in which video data and audio data are aligned wherein time code is added to the video stream (See Orr Col. 2, lines 15-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method for searching for multimedia files taught by Hoffert et al. by incorporating the time coded video stream teachings of Orr because that would have permitted the searching method of Hoffert et al. to search for annotation codes or control data and performs the appropriate process according to the embedded control data at the appropriate time based on the time stamped data (See Orr Col. 2, lines 35-41).

As per claim 2, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Orr, disclose the claimed features of "wherein the video stream is news footage, wherein the first metadata stream is closed captioning for the hearing impaired,

and wherein the second metadata stream is a separate description of the news footage" (See Orr Abstract; Col. 2, lines 56-66).

22. A method for use with a metadata stream with respect to a video stream, the metadata stream time-coded with respect to the video stream, the method comprising the steps, performed by a computer, of: searching for proper names within the metadata stream; finding faces within the video stream; matching faces with proper names; and placing the matched faces and proper names into a reference library.

As per claims 23-26, all the limitations of these claims have been noted in the rejection of claims 1-2. They are therefore rejected as set forth above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 703 305-4006. The examiner can normally be reached on Maxi-Flex (Monday-Saturday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Coby
Primary Examiner
Art Unit 2171

June 23, 2004